

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/783,897
Filed : February 20, 2004
Applicant : John T. Santini Jr., et al.
Title : Implantable Device for Controlled Release of Drug

TC/AU : 3763
Examiner : Vu, Quynh-Nhu Hoang

Docket No. : 17648-0027 (MIT6962 CIP2CON)
Customer No. : 29052

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Massachusetts Institute of Technology, the owner of the entire interest in the above-identified present application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 7,070,592 (the prior patent).

The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that said patent and the prior patent are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee of such patent, and its successors or assigns.

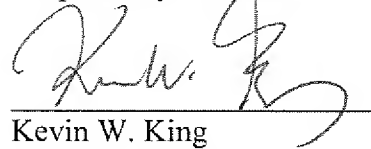
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims

cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge the fee of \$130.00 required by 37 C.F.R. § 1.20(d) for this disclaimer to Deposit Account 19-5029.

The undersigned is an attorney of record and is authorized to sign on behalf of the owner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin W. King", is written over a horizontal line.

Kevin W. King
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Date: December 12, 2007

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